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**FILED**  
HARRISBURG, PA

MAY 18 2001

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

MARY E. D'ANDREA, CLERK  
Per   
Deputy Clerk

WILFREDO A. CORDERO SANCHEZ  
Petitioner

v.

INS DISTRICT DIRECTOR  
Respondent

:  
:  
:  
:  
: CIVIL NO.1:CV-01-0698  
:  
: (Judge Kane)  
:  
:

**ORDER**

**Background**

This is a petition for a writ of habeas corpus filed under 28 U.S.C. § 2241. The financial affidavit accompanying the prisoner's motion to proceed in forma pauperis indicates that he may not be required to pay the full statutory filing fee of \$5.00. Therefore, temporary approval to proceed in forma pauperis will be granted so the court may request from the warden or other appropriate official a summary of the transactions in the petitioner's account for the six (6) months preceding the filing of this petition.

The court may condition entitlement to proceed in forma pauperis upon payment of a partial filing fee after consideration of the income received within the six (6) month period preceding submission of the petition, the present balance in the prisoner's account, the average monthly balance in the prisoner's account and

other factors as may be brought to the court's attention. Jones v. Zimmerman, 752 F.2d 76, 78-79 (3d Cir. 1985); Bullock v. Suomela, 710 F.2d 102, 103 (3d Cir. 1983). The partial filing fee to be submitted shall not in any circumstances exceed 15% of the income received by the prisoner within the preceding six (6) months. See Evans v. Croom, 650 F.2d 521, 522, 525 (4th Cir. 1982, cert. denied, 454 U.S. 1153 (1982)).

The warden or other appropriate official will be directed to provide this court with a record of the transactions, inflow and outflow of funds through the prisoner's account, which occurred within the preceding six (6) month period and advise the court of the present balance in the prisoner's account. The court shall be advised whether the prisoner has institutional employment and, if so, his average monthly income from the job.

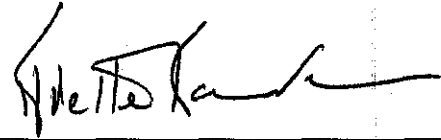
If the records are at another institution or if the records are for some reason unavailable, this court should be so informed.

NOW, THEREFORE, THIS <sup>18<sup>TH</sup></sup> DAY OF <sup>MAY</sup>, 2001, IT IS ORDERED THAT:

1. The petitioner is granted temporary leave to proceed in forma pauperis, pursuant to Title 28 of the United States Code, § 1915(a).
2. Within ten (10) days of the date of this order, the warden or other appropriate official shall complete the attached affidavit form and provide the requested information to

the court.

3. Pursuant to Jones v. Zimmerman, 752 F.2d 76 (3d Cir. 1985), the warden shall simultaneously provide a copy of the completed affidavit to the petitioner.

A handwritten signature in black ink, appearing to read "Yvette Kane", written over a horizontal line.

YVETTE KANE  
United States District Judge

AFFIDAVIT

(To be completed by the appropriate prison official)

COMMONWEALTH OF PENNSYLVANIA

:

:

:

CIVIL ACTION NO. \_\_\_\_\_

COUNTY OF \_\_\_\_\_

:

I, \_\_\_\_\_, being duly sworn, depose and say:

- (1) I am employed as \_\_\_\_\_ at \_\_\_\_\_  
I have served in that capacity since \_\_\_\_\_, 19\_\_\_\_
- (2) The plaintiff, \_\_\_\_\_, Reg. No. \_\_\_\_\_  
is presently incarcerated at the said institution.
- (3) The following is a listing of assets at the said institution  
belonging to plaintiff:
- a. Prison account
1. Present balance: \$ \_\_\_\_\_
  2. Total amount of deposits  
during six months preceding  
the filing of the complaint: \$ \_\_\_\_\_
  3. Average monthly balance: \$ \_\_\_\_\_
  4. Average monthly deposits: \$ \_\_\_\_\_
- b. Employment
1. Institutional employment: \$ \_\_\_\_\_
  2. Average monthly wage: \$ \_\_\_\_\_
- c. Other resources: \_\_\_\_\_
- \_\_\_\_\_
- (4) I have attached a true and correct copy of the record of the  
transactions of the prisoner's account which occurred within the  
six months preceding the filing of the complaint.
- (5) The above information set forth in this affidavit is true and  
correct to the best of my knowledge, information and belief.

Signature \_\_\_\_\_

Sworn to and subscribed  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_\_\_.

Return to:

\_\_\_\_\_  
Notary Public  
My Commission Expires:

United States District Court  
235 N. Washington Avenue  
P.O. Box 1148  
Scranton, PA 18501-1148

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

May 18, 2001

Re: 1:01-cv-00698 Sanchez v. INS

True and correct copies of the attached were mailed by the clerk to the following:

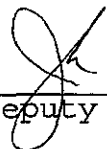
Wilfredo A. Cordero Sanchez  
USP-ALLENWOOD  
Maximum Security Correct. Inst.  
05600-007  
P.O. Box 3000  
White Deer, PA 17887

cc:

Judge	( <input checked="" type="checkbox"/> )	( <input checked="" type="checkbox"/> ) Pro Se Law Clerk
Magistrate Judge	( )	( ) INS
U.S. Marshal	( )	( ) Jury Clerk
Probation	( )	
U.S. Attorney	( )	
Atty. for Deft.	( )	
Defendant	( )	
Warden	( <input checked="" type="checkbox"/> )	
Bureau of Prisons	( )	
Ct Reporter	( )	
Ctroom Deputy	( )	
Orig-Security	( )	
Federal Public Defender	( )	
Summons Issued	( )	with N/C attached to complt. and served by: U.S. Marshal ( ) Pltf's Attorney ( )
Standard Order 93-5	( )	
Order to Show Cause	( )	with Petition attached & mailed certified mail to: US Atty Gen ( ) PA Atty Gen ( ) DA of County ( ) Respondents ( )
Bankruptcy Court	( )	
Other _____	( )	

MARY E. D'ANDREA, Clerk

DATE: 5-18-01

BY:   
Deputy Clerk